

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

TIMOTHY KING, MARIAN ELLEN SHERIDAN, JOHN EARL HAGGARD, CHARLES JAMES RITCHARD, JAMES DAVID HOOPER, and DAREN WADE RUBINGH,

Plaintiffs,  
v.

GRETCHEN WHITMER, in her official capacity as Governor of Michigan, JOCELYN BENSON, in her official capacity as Michigan Secretary of State, and MICHIGAN BOARD OF STATE CANVASSERS.

Defendants.

DEMOCRATIC NATIONAL COMMITTEE and MICHIGAN DEMOCRATIC PARTY,

Intervenor-Defendants.

CITY OF DETROIT,

Intervenor-Defendants.

ROBERT DAVIS

Intervenor-Defendant.

**CIVIL ACTION**

Case No. 2:20-CV-13134

Hon. Linda V. Parker

**INTERVENOR-DEFENDANTS'  
MOTION FOR LEAVE TO FILE  
RESPONSE TO PLAINTIFFS'  
SUBMISSION OF  
SUPPLEMENTAL AUTHORITY**

**EXPEDITED CONSIDERATION REQUESTED**

NOW COMES Intervenor-Defendants, the Democratic National Committee and the Michigan Democratic Party, and hereby moves for leave to file a short, two-paragraph response to Plaintiffs' December 4, 2020 submission of supplemental authority (ECF Nos. 57 & 57-1), in which Plaintiffs identified a December 4, 2020 scheduling order from the U.S. District Court for the Eastern District of Wisconsin in *Feehan v. Wisconsin Elections Commission, et al.*, Case No. 20-cv-1771-pp (E.D. Wis. Dec. 4, 2020) (ECF No. 57-1). Plaintiffs also submitted a three-page, supplemental brief. (ECF No. 57, PageIDs 3198-3200).

Pursuant to Local Rule 7.1, on December 4, 2020, counsel for Intervenor-Defendants sought concurrence from Plaintiffs' counsel by way of written correspondence, and Plaintiffs' counsel concurs with the motion.

WHEREFORE, Intervenor-Defendants respectfully request that the Court grant this motion and accept the attached (Exhibit 1), proposed response to Plaintiffs' December 4, 2020 submission of supplemental authority.

Dated: December 4, 2020.

Respectfully submitted,

Marc E. Elias (DC #442007)  
Jyoti Jasrasaria (DC #1671527)\*  
PERKINS COIE LLP  
700 Thirteenth Street NW, Suite 800  
Washington, DC 20005  
Telephone: (202) 654-6200  
melias@perkinscoie.com  
jjasrasaria@perkinscoie.com

*/s/ Scott R. Eldridge*  
Scott R. Eldridge (P66452)  
MILLER CANFIELD  
One Michigan Avenue, Suite 900  
Lansing, Michigan 48933  
Telephone: (517) 483-4918  
eldridge@millercanfield.com  
Mary Ellen Gurewitz (P25724)

William B. Stafford (WA #39849)\*  
Jonathan P. Hawley (WA #56297)\*  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101  
Telephone: (206) 359-8000  
wstafford@perkinscoie.com  
jhawley@perkinscoie.com

John F. Walsh (CO #16642)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1225 Seventeenth Street, Suite 2600  
Denver, Colorado 80202  
Telephone: (720) 274-3154  
john.walsh@wilmerhale.com

CUMMINGS & CUMMINGS  
423 North Main Street, Suite 200  
Royal Oak, Michigan 48067  
Telephone: (248) 733-3405  
maryellen@cummingslawpllc.com

Seth P. Waxman (DC #257337)  
Brian M. Boynton (DC #483187)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, D.C. 20006  
Telephone: (202) 663-6000  
seth.waxman@wilmerhale.com  
brian.boynton@wilmerhale.com

*Counsel for Intervenor-Defendants DNC Services Corporation/Democratic National Committee and Michigan Democratic Party*

*\*Admission forthcoming*

**CERTIFICATE OF SERVICE**

Scott R. Eldridge certifies that on the 4th day of December 2020, he served a copy of the above document in this matter on all counsel of record and parties via the ECF system.

/s/ *Scott R. Eldridge*  
\_\_\_\_\_  
Scott R. Eldridge

# **Exhibit 1**

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In support of their motion for Declaratory, Emergency, and Permanent Injunctive relief seeking to “de-certify” Michigan’s election (ECF No. 7), Plaintiffs

have submitted, as supposed “supplemental authority,” an order setting a briefing schedule in a case Plaintiffs’ counsel initiated in the U.S. District Court for the Eastern District of Wisconsin seeking to nullify the results of that state’s presidential election. *See ECF No. 57 & 57-1.* Plaintiffs contend that the scheduling order in the Wisconsin case “rebuts Defendant and Defendant Intervenors’ assertion of laches and abstention as grounds for dismissal of the Complaint and denial of Plaintiffs’ TRO motion” in the present action. ECF No. 57 at 3.

Plaintiffs’ characterization of the Wisconsin scheduling order is blatantly incorrect. The Wisconsin order *sets a briefing schedule.* It does not address or resolve the merits of any claims or defenses asserted in the Wisconsin case—including laches and abstention—let alone in this case. *See ECF No. 14-1 at 7-10; ECF 31 at 3-7, 19-31; ECF No. 39 at 26-29, 30.*

Dated: December 4, 2020.

Respectfully submitted,

Marc E. Elias (DC #442007)  
Jyoti Jasrasaria (DC #1671527)\*  
PERKINS COIE LLP  
700 Thirteenth Street NW, Suite 800  
Washington, DC 20005  
Telephone: (202) 654-6200  
melias@perkinscoie.com  
jjasrasaria@perkinscoie.com

William B. Stafford (WA #39849)\*  
Jonathan P. Hawley (WA #56297)\*  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101  
Telephone: (206) 359-8000  
wstafford@perkinscoie.com  
jhawley@perkinscoie.com

John F. Walsh (CO #16642)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1225 Seventeenth Street, Suite 2600  
Denver, Colorado 80202  
Telephone: (720) 274-3154  
john.walsh@wilmerhale.com

/s/ Scott R. Eldridge  
Scott R. Eldridge (P66452)  
MILLER CANFIELD  
One Michigan Avenue, Suite 900  
Lansing, Michigan 48933  
Telephone: (517) 483-4918  
eldridge@millercanfield.com

Mary Ellen Gurewitz (P25724)  
CUMMINGS & CUMMINGS  
423 North Main Street, Suite 200  
Royal Oak, Michigan 48067  
Telephone: (248) 733-3405  
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Seth P. Waxman (DC #257337)  
Brian M. Boynton (DC #483187)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, D.C. 20006  
Telephone: (202) 663-6000  
seth.waxman@wilmerhale.com  
brian.boynton@wilmerhale.com

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